

RADIO LICENSES

Exchange of notes at Washington March 2 and 10, August 17, September 8 and 20, and October 9, 1937

Entered into force October 9, 1937; operative from September 8, 1937

Terminated April 19, 1960, upon entry into force of North American Regional Broadcasting Agreement of November 15, 1950¹

51 Stat. 314; Executive Agreement Series 109

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

Washington, March 2, 1937

No. 46

SIR:

I have the honour to refer to the Canadian Legation's *Aide Memoire* of January 7th, 1937, and the Department of State's reply of January 19th concerning the application of the Power City Broadcasting Corporation and the Niagara Falls Gazette Publishing Company of Niagara Falls, New York, for permission to establish a broadcasting station on a frequency of 630 kilocycles. This exchange of correspondence dealt with the possible interference which might be caused by the proposed station at Niagara Falls to Station CFCO operating on a frequency of 630 kilocycles at Chatham, Ontario.

It may be expected that from time to time the competent authorities of the Government of the United States will receive applications for permission to establish new broadcasting stations on frequency channels shared between Canada and the United States and for alteration in the assignment of such channels. In certain cases the granting of such applications might give rise to interference with Canadian stations operating on the same channel.

I have been instructed to enquire whether the Government of the United States would be agreeable to communicating with the Canadian Government in future before issuing licenses for new stations or altering the assignment of frequencies of existing stations on channels now shared between the United States and Canada, in cases where interference might be caused to the free and unrestricted use of such channels in Canada. The purpose of

¹ 11 UST 413; TIAS 4460.

such a notification would be to give an opportunity to the Canadian Government of expressing their views in connection therewith.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

HERBERT M. MARLER

The Hon. CORDELL HULL,
Secretary of State of the United States,
Washington, D.C.

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
Washington, March 10, 1937

SIR:

I have received your note of March 2, 1937, inquiring whether the Government of the United States would be agreeable to communicating with the Canadian Government in the future before issuing licenses for new stations or altering the assignment of frequencies of existing stations on channels now shared between the United States and Canada, in cases where interference might be caused to the free and unrestricted use of such channels in Canada.

In reply I take pleasure in informing you that a copy of the note under acknowledgment is being transmitted to the Chairman of the Federal Communications Commission. As soon as a reply shall have been received from Mr. Prall, I shall not fail to communicate with you again concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

R. WALTON MOORE

The Honorable

SIR HERBERT MARLER, P.C., K.C.M.G.,
Minister of Canada.

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
Washington, August 17, 1937

SIR:

Reference is made to your note of March 2, 1937, and my reply of March 10, 1937, in regard to the communication by the United States to the Canadian Government of information concerning the prospective issu-

ance of new radio licenses or the possible alteration of frequencies which may affect the use in Canada of the radio channels involved.

The Government of the United States is prepared to communicate with the Canadian Government regarding proposed action on all applications for new or additional broadcast facilities which may involve interference with existing Canadian stations, provided the Canadian Government will likewise inform the Government of the United States of any new or additional facilities for broadcast stations for which application has been made to it and which may involve interference with existing stations in the United States.

It should be understood in this connection that the determination of interference would be made by means of the current mileage separation tables published by the Federal Communications Commission of this Government or from field intensity measurements combined with mutually agreeable standards of allocation.

I shall appreciate a statement of your Government's acquiescence in the proposed arrangement and an indication of the date upon which it is to be made effective.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:
R. WALTON MOORE

The Honorable

SIR HERBERT MARLER, P.C., K.C.M.G.,
E.E. and M.P.
Minister of Canada.

The Chargé d'Affaires ad interim to the Secretary of State

CANADIAN LEGATION

Washington, September 8, 1937

No. 185

SIR:

I have the honour to refer to your note of August 17, 1937 in which you replied to the suggestion made in this Legation's note No. 46 of March 2, 1937, with regard to informing the Government of Canada concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which might affect the use in Canada of the radio channels involved.

I am now instructed to inform you that the Government of Canada agree in principle with the views expressed in your note of August 17 and are prepared to exchange information with the Government of the United States,

commencing immediately, in the matter of any new or additional broadcast facilities which may involve interference with existing stations.

With reference to the third paragraph of your note, it is assumed that it will be understood that, in the event of an agreement being signed as a result of the forthcoming Conference in Havana, the use of shared waves and the methods of determining interference shall be governed by such agreement.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

H. H. WRONG
Chargé d'Affaires

The Hon. CORDELL HULL,
Secretary of State of the United States,
Washington, D.C.

The Acting Secretary of State to the Canadian Chargé d'Affaires ad interim

DEPARTMENT OF STATE
Washington, September 20, 1937

SIR:

I have received your note of September 8, 1937 in further relation to the communication by the United States to the Canadian Government of any information concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which may affect the use in Canada of the radio channels involved. I have duly noted that the Government of Canada agrees in principle with the views expressed in my note of August 17, 1937, and that it is prepared to exchange information with the Government of the United States, commencing immediately, in the matter of any new or additional broadcast facilities which may involve interference with existing stations.

I am sending a copy of your note under acknowledgment to the Federal Communications Commission with a request that I be advised concerning the inquiry contained in the third paragraph of your note with regard to the use of shared waves and the methods of determining interference. As soon as I receive a reply from the Commission, I shall communicate with you again.

Accept, Sir, the renewed assurances of my high consideration.

R. WALTON MOORE
Acting Secretary of State

Mr. HUME WRONG,
Chargé d'Affaires ad interim of Canada.

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
Washington, October 9, 1937

SIR:

I refer to a note of September 8, 1937, from your Legation, and my reply of September 20, 1937, in further relation to the communication by the United States to the Canadian Government, on a reciprocal basis, of information concerning the prospective issuance of new radio licenses or the possible alteration of frequencies which may affect the use in Canada of the radio channels involved, and now advise you that the Department has received a letter from the Federal Communications Commission concerning the inquiry contained in the third paragraph of the note of September 8, in regard to the use of shared waves and the methods of determining interference.

The Commission states that it is in accord with the understanding of your Government that, in the event of an agreement being signed as a result of the forthcoming conference in Habana, the use of shared waves and the methods of determining interference shall be governed by such agreement. The Commission adds that in the meantime it is felt that the determination of the interference should be made by the current mileage separation tables published by the Commission or from field intensity measurements combined with mutually agreeable standards of allocation.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

R. WALTON MOORE

The Honorable

SIR HERBERT MARLER, P.C., K.C.M.G.,
Minister of Canada.